

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

IN RE: TERRORIST ATTACKS ON :
SEPTEMBER 11, 2001 : **03-MDL-1570 (GBD)(SN)**

This Document Relates To:

Ashton, et al. v. al Qaeda Islamic Army, et al., Case No. 02-cv-6977 (GBD)(SN)

Burlingame, et al. v. bin Laden, et al., Case No. 02-cv-7230 (GBD)(SN)

**PROPOSED ORDER OF FINAL DEFAULT JUDGMENT IN FAVOR OF
THE BREITWEISER PLAINTIFFS AGAINST THE TALIBAN**

Upon consideration of the Motion for Final Default Judgment against the Taliban filed by Plaintiffs Kristen Breitweiser, as Personal Representative of the Estate of Ronald Breitweiser, Deceased, Kristen Breitweiser, individually in her own right, and Caroline Breitweiser, the dependent minor child on September 11, 2001, and a survivor of Ronald Breitweiser, who are plaintiffs in *Burlingame, et al. v. bin Laden, et al.*, Case No. 02-cv-7230 (GBD)(SN), a member case of *Ashton, et al. v. al Qaeda Islamic Army, et al.*, Case No. 02-cv-6977 (GBD)(SN) within the multi-district litigation *In Re: Terrorist Attacks on September 11, 2001*, 03-md-1570 (GBD)(SN) (hereinafter “*In Re: 9/11 MDL*”), and the declarations and materials in support thereof, and,

WHEREAS, the *Burlingame/Ashton* Plaintiffs, including the Plaintiffs Kristen Breitweiser, as Personal Representative of the Estate of Ronald Breitweiser, Deceased, Kristen Breitweiser, individually in her own right, and Caroline Breitweiser, as a then-minor on September 11, 2001, who is a survivor of the decedent Ronald Breitweiser, are and were Plaintiffs in the original *Burlingame* Complaint and in the *Ashton* Third Amended Consolidated Master Complaint; and

WHEREAS, the *Burlingame/Ashton* Plaintiffs, including the Plaintiffs Kristen Breitweiser, as Personal Representative of the Estate of Ronald Breitweiser, Deceased, Kristen Breitweiser, individually in her own right, and Caroline Breitweiser, named the Taliban as a Defendant in the original *Burlingame* Complaint and in the *Ashton* Third Amended Consolidated Master Complaint; and

WHEREAS, the *Ashton* Third Amended Consolidated Master Complaint asserted causes of action against the Taliban including: (1) Wrongful Death based on Intentional Murder; (2) Survival Damages based on Intentional Murder; (3) Assault and Battery; (4) Violation of the Anti-Terrorism Act (“ATA”), 18 U.S.C. § 2333; and (5) Violation of the Torture Victim and Protection Act, 28 U.S.C. § 1350; and

WHEREAS, on September 16, 2004, this Court entered an Order permitting service of the *Ashton* Third Amended Consolidated Master Complaint by publication on numerous *Burlingame/Ashton* Defendants, including, *inter alia*, the Taliban; and

WHEREAS, the *Burlingame/Ashton* Plaintiffs served the *Ashton* Third Amended Consolidated Master Complaint upon the Taliban by publication and provided proof of service to the Court on March 4, 2005, MDL Doc. No. 709, and March 16, 2005, MDL Doc. No. 735;

WHEREAS, the Defendant Taliban did not answer or otherwise defend against the *Ashton* Third Amended Consolidated Master Complaint, and the time for answering or otherwise defending against the *Ashton* Third Amended Consolidated Master Complaint having expired; and

WHEREAS, on May 29, 2018, final judgments for compensatory damages against the Islamic Republic of Iran in favor of *Burlingame/Ashton* Plaintiff Kristen Breitweiser, as Personal Representative of the Estate of Ronald Breitweiser, Deceased, Plaintiff Kristen Breitweiser,

individually in her own right, and Plaintiff Caroline Breitweiser, were entered by this Court in amounts consistent with the damages awards in *Havlish, et al. v. bin Laden, et al.*, 1:03-cv-09848, and the evidence supporting that damages award also supports the Breitweiser Plaintiffs' Motion for Final Default Judgment against the Taliban;

It is hereby **ORDERED** that Final Default Judgment is entered in favor of Plaintiff Kristen Breitweiser, as Personal Representative of the Estate of Ronald Breitweiser, Deceased, against the Defendant Taliban in the amounts listed on **EXHIBIT A**; such award of damages shall not be binding or determinative of the amount of potential damages that may be awarded in favor of said Plaintiff against any Defendant other than the Taliban in this MDL;

It is further **ORDERED** that Final Default Judgment is entered in favor of Plaintiff Kristen Breitweiser, individually in her own right, against the Defendant Taliban in the amounts listed on **EXHIBIT B**; such award of damages shall not be binding or determinative of the amount of potential damages that may be awarded in favor of said Plaintiff against any Defendant other than the Taliban in this MDL;

It is further **ORDERED** that Final Default Judgment is entered in favor of Plaintiff Caroline Breitweiser, who, on September 11, 2001, was minor dependent child, and is a surviving child, of Ronald Breitweiser, Deceased, against the Defendant Taliban in the amounts listed on **EXHIBIT B**; such award of damages shall not be binding or determinative of the amount of potential damages that may be awarded in favor of said Plaintiff against any Defendant other than the Taliban in this MDL;

It is further **ORDERED** that the damage amounts in favor of each of the three Breitweiser Plaintiffs are trebled under the Anti-Terrorism Act, 18 U.S.C. § 2333, as indicated on **EXHIBIT A** and **EXHIBIT B**; such award of trebled damages shall not be binding or

determinative of the amount of potential damages that may be awarded in favor of said Plaintiffs against any Defendant other than the Taliban in this MDL;

It is further **ORDERED** that the three Breitweiser Plaintiffs identified in **EXHIBIT A** and **EXHIBIT B** are awarded prejudgment interest of 4.96 percent per annum, compounded annually, running from September 11, 2011, until the date of judgment; and

It is further **ORDERED** that the Plaintiff Kristen Breitweiser, as Personal Representative of the Estate of Ronald Breitweiser, Deceased, Plaintiff Kristen Breitweiser, individually in her own right, and Plaintiff Caroline Breitweiser may submit applications for punitive damages, and for costs of suit and attorneys' fees under the ATA, at later dates consistent with any future rulings made by this Court.

The Court respectfully directs the Clerk of the Court to terminate the Motion at MDL ECF No. 8626.

SO ORDERED.

Date: _____
New York, New York

GEORGE B. DANIELS
UNITED STATES DISTRICT JUDGE